COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 67 of 2006 (S/B)

Mohd. Iqba Khan Warsi, S/o Late Abdul Zabbar Khan,
Presently posted as Jailer, Sub-Jail Roorkee

..... **Petitioner**

Versus

1. Union of India through its Secretary of Home Affairs
2. State of Uttaranchal through Principal Secretary Home, Uttaranchal, Dehradun
3. Director General, Karagar (Jail), Uttaranchal, Dehradun

..... **Respondents**

Shri Syed Nadim, Advocate for the petitioner.
Ms. Anjali Bhargava, standing counsel for Govt. of India.

Dated: March 01, 2006

Coram: Hon. P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

By means of this writ petition, the petitioner has prayed for writ of mandamus commanding the respondents to relieve the petitioner for the State of Uttar Pradesh for the reason that his promotion is due in State of Uttar Pradesh and he had also opted for State of Uttar Pradesh.

2. Since there is no allocation made in respect of the petitioner under Section 73 of the U.P. Reorganization Act, 2000 by the Government of India, hence no direction can be issued by this Court. However, it is open for the petitioner to apply before the

Appropriate Authority for his relieving under Section 75 of the U.P. Reorganization Act. It is further made clear that the application of the petitioner shall be considered sympathetically.

3. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang